

REMARKS

This application has been reviewed in light of the Office Action dated September 22, 2004. Claims 30-68 are presented for examination, of which Claims 30, 36, 37, 43, 44, 50, 51, 57 and 63 are in independent form. Claims 30, 32, 36, 37, 39, 43, 44, 46, 50, 51, 57 and 63 have been amended to define Applicant's invention more clearly. Favorable reconsideration is requested.

In the Office Action, Claims 30-32, 34-39, 41-46, and 48-68 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,445,460 (Pavley), and Claims 30, 36, 37, 43, 44, and 50, as being anticipated by U.S. Patent 6,571,245 (Huang et al.). In addition, Claims 33, 40, and 47 were rejected under 35 U.S.C. § 103(a) as being obvious from *Pavley*.

As is described in the present application, it frequently occurs that a user does not remember which files in a storage medium have, and which have not, been transferred to a particular destination. The result may be that one or more files are transferred more than once, creating confusion if there is subsequent processing of these files at the destination. The present invention is intended to alleviate this problem by providing a way in which a user can simply designate for transfer, all the files in a storage medium that have not yet been transferred.

More particularly, independent Claim 30 is directed to an image transferring apparatus that comprises a storage unit, adapted to store image data, and a display unit, adapted

to display a screen for selecting whether to transfer only image data stored in the storage unit which has not previously been transferred or to transfer all image data stored in the storage unit. Also provided are an image data transfer instruction unit, which is a button for instructing the image data transfer, adapted to instruct to transfer the image data, and a transfer control unit. the control unit performs control to transfer the image data, in a case in which an instruction to transfer the image data is given by the image data transfer instruction unit, and judges a selection selected from the screen displayed by the display unit, and if the selection to transfer only image data not previously transferred is made, controls to transfer only the image data not previously transferred based on transfer history information, while if the selection to transfer all image data stored in the storage unit is made, the control unit controls to transfer all the image data stored in the storage unit regardless of the transfer history information.

Pavley, which has been extensively discussed in applicant's previous papers, relates to providing and utilizing file attributes with digital images such that an image file is transferred together with a file attribute indicating whether the image file has undergone an archive procedure. Even if *Pavley* is deemed to show all that it is cited for, that would not meet the terms of Claim 30. In particular, Applicant submits that nothing has been found, or pointed out, in that patent that would teach or suggest "an image data transfer instruction unit, which is a button for instructing the image data transfer, adapted to instruct to transfer the image data", as

recited in Claim 30. Applicant notes that Pavley shows a schematic box 404 labeled “Buttons and Dials” (see Fig. 1), but submits that the patent contains no suggestion to provide a button for instructing an image data transfer such as that recited in Claim 30. For at least that reason, Claim 30 is deemed to be clearly allowable over *Pavley*.

Huang relates to a virtual desktop provided by a network of servers. Initially, a URL access from a user (and successful log-in) result in retrieval of a personal web page of the user and return of the web page to the local system where the user is. By means of the web page, the user can send commands that are received and processed by one or more back-end servers. Thus, this web page represents the virtual desktop to the user, and includes the necessary links for the available files, folders and applications. In particular, a sync folder is provided (see col. 11, line 62, through col. 12, line 38). If at least one item is present in this folder, then at specified times, a file synchronization application is launched and run in the background. That application exchanges information pertaining to the item(s) in the sync folder with the file server, and files are transferred and updated based on the exchanged information, in such manner as to ensure that each item in the folder is now identical to the same item elsewhere in the network.

Applicant submits that nothing has been found or pointed out in *Huang* that would teach or suggest “a button, to instruct to transfer the image data”, as recited in Claim 36, and that claim accordingly is deemed to be clearly allowable over *Huang*.

Independent Claim 36 is directed to an image transferring apparatus that comprises a storage unit, adapted to store image data, a transfer unit, adapted to transfer image data stored in the storage unit, and a button, to instruct to transfer the image data. Also provided is a changing unit, adapted to change transfer history information to a transferred status in the event that the transfer history information of the image data previously transferred by the transfer unit indicates that the image has not been transferred.

Independent Claim 36 is deemed clearly allowable over *Pavley* and over *Huang* for at least the same reasons as is Claim 30.

Independent Claim 51 is directed to an image processing apparatus that comprises a capturing unit adapted to capture a plurality of reduced image data from a storage medium of at least one external device, and a display control unit, adapted to perform control so as to display the reduced image data captured by the capturing unit. Also recited is a screen display control unit, adapted to perform control so as to display a screen for selecting whether to select only image data stored in the storage medium which has not previously been transferred or to select all image data stored in the storage medium. Also, according to Claim 51, the screen display control unit is adapted to control the display of the image which has not previously been transferred and the image which has already been transferred.

Applicant submits that, among other important features, of Claim 51, the control screen as recited in that claim is not taught or suggested by either of those patents.

Claims 37, 43, 44, 50, 57 and 63 are each a method or a storage-medium claim corresponding to one or another of apparatus Claims 30, 36 and 51, and are deemed allowable over those patents for at least the reasons discussed above with regard to the respective apparatus claim.

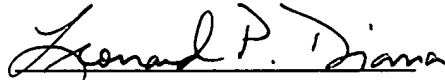
A review of the other art of record has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other rejected claims in this application depend from one or another of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

A handwritten signature in cursive script that reads "Leonard P. Diana". The signature is written in dark ink and is positioned above the printed name.

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